

Remarks

Claims 40-47, 50-54, 62 and 131-134 were considered in the Office Action mailed on December 18, 2003. Claims 50, 52, 131 and 132 were rejected under 35 U.S.C. 101 as being directed toward non-statutory subject matter. Claims 40-47, 50-54, 62 and 131-134 were rejected under 35 U.S.C. 112, first paragraph.

Applicants have amended independent claims 40 and 45 to recite a sequence that is complementary to the full length sequence of SEQ ID NO. 17. In addition, Applicants have amended claims 52 and 132 to clarify that the recited cells are mammalian cells in culture. Finally, Applicants have amended claim 50 to clarify that the recited descendant cell is also in culture. Support for the amendments can be found throughout the specification, for example, at page 5, lines 13-15, and page 32, lines 12-16. No new matter has been added by these amendments.

Applicants thank the Examiner for the helpful discussion of January 28, 2004 during which Applicants' attorney Jennifer Camacho and the Examiner discussed the nature of the current rejections and possible amendments to overcome them. The rejections and amendments are traversed briefly below.

Claims 50, 52, 131 and 132 were rejected under 35 U.S.C. 101 as being directed toward non-statutory subject matter. Specifically, those claims were said to read on a transgenic human. As discussed on January 28th, Applicants have amended these claims to clarify that the recited cells are in culture. As such, Applicants respectfully submit that the rejection has been obviated and request reconsideration and withdrawal thereof.

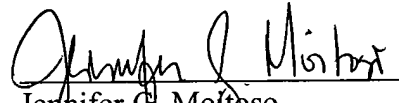
Claims 40-47, 50-54, 62 and 131-134 were rejected under 35 U.S.C. 112, first paragraph. Specifically, the recitation of a sequence "complementary to SEQ ID NO. 17" was said to not be enabled in the absence of a length limitation or functional limitation. As discussed on January 28th, Applicants have amended independent claims 40 and 45 to recite a sequence complementary to the full length of SEQ ID NO. 17. Claims 41-44, 46, 47, 50-54, 62, and

131-134 depend from independent claim 40. As such, Applicants respectfully submit that the rejection has been obviated and request reconsideration and withdrawal thereof.

Conclusion

Applicants respectfully submit that the application is in condition for allowance. Prior to issuing another Office Action, Applicants' attorney respectfully requests that the Examiner call the undersigned at the telephone number below in order to expedite allowance of this application.

Respectfully submitted,


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